

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Norfolk Division

CYNTHIA LOPEZ,
Plaintiff,

v.

Civil No. 2:17cv260

NANCY A. BERRYHILL,
Acting Commissioner of
Social Security,
Defendant.

FINAL ORDER

Plaintiff Cynthia Lopez brought this action under 42 U.S.C. § 405(g) seeking judicial review of the final decision of the Acting Social Security Commissioner (“Commissioner”) denying her claim for disability insurance benefits (“DIB”) under Title II of the Social Security Act. Pursuant to the provisions of 28 U.S.C. §§ 636(b)(1)(B) and (C), Rule 72(b) of the Federal Rules of Civil Procedure, Rule 72 of the Rules of the United States District Court for the Eastern District of Virginia, and by order of reference (ECF No. 7), this matter was referred to a United States Magistrate Judge for a Report and Recommendation.

In a Report and Recommendation (“R&R”) filed May 7, 2018, the Magistrate Judge recommended granting Plaintiff’s motion for summary judgment in part, and denying the Commissioner’s motion for summary judgment. ECF No. 16.

By copy of the R&R, each party was advised of the right to file written objections to the findings and recommendations made by the Magistrate Judge within fourteen days from the date the R&R was mailed, pursuant to Rule 6(a) of the Federal Rules of Civil Procedure. The time for filing written objections has passed, and neither party has filed objections. As indicated in

the R&R, “failure to file timely objections to the findings and recommendations set forth [in the R&R] will result in waiver of right to appeal from a judgment of this Court based on such findings and recommendations.” *Id.* at 44.

This Court has reviewed the R&R and hereby **ADOPTS** and **APPROVES** in full the findings and recommendations set forth therein. Accordingly, it is hereby **ORDERED** that Plaintiff’s Motion for Summary Judgment (ECF No. 11) is **GRANTED in part and DENIED in part** as detailed in the R&R, and that the Commissioner’s Motion for Summary Judgment (ECF No. 13) is **DENIED**. **This Action is remanded to the Commissioner for further consideration consistent with the analysis provided in the R&R.**

The Clerk is **REQUESTED** to send a copy of this Final Order to all counsel of record.

IT IS SO ORDERED.



/s/
Arenda L. Wright Allen
United States District Judge

August 24, 2018
Norfolk, Virginia